



## U.S. Customs Service

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*Commissioner of Customs*

April 29, 2002

The Honorable Edward J. Markey  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Markey:

Thank you for your letter of January 16, 2002, regarding the regulations and requirements used by the U.S. Customs Service to ensure that radioactive materials are not improperly or illegally shipped to the United States from abroad. The Customs Service shares the concerns that are raised in your letter and we continue to search for new ways and methods to protect our Nation from the improper importation of radiological materials. We are providing answers to the following questions that were raised in your letter.

1. **Are exporters of radioactive materials, seeking to make a shipment to the U.S., required to ensure that the recipient is licensed by the Nuclear Regulatory Commission (NRC) to possess the material being requested? If so, please fully describe how this requirement is met and who at the U.S. Customs and/or the NRC ensures that it is being done consistently and accurately. If not, then how do you know that Al Qaeda members, other terrorist organizations, or citizens of hostile foreign nations have not already imported radioactive materials from abroad for use in future terrorist attacks in the U.S.?**

While the NRC requires importers of radioactive material to be licensed, current regulations do not require Customs to verify these licenses. Customs is currently working with the NRC in order to facilitate such a requirement. Customs has importation records of all legitimate shipments of radioactive materials that include the shipper, consignee, classification (tariff number), description, and total value of the items. The U.S. Customs Service Office of Investigations in conjunction with the Office of Field Operations is continually researching to determine whether or not Al-Qaeda members have imported radioactive materials from abroad.

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**2. Please describe the process by which packages entering the U.S. are screened for radioactive materials.**

a). Customs initiated a Radiation Detection Program in 1997. The type of radiation detection and identification equipment in use at each port varies but one or more of the following types of equipment is being utilized: Personal Radiation Detectors (PRDs); upgraded X-ray units; portal detectors; or isotope identifiers. Customs policy states that any package emitting radiation must be isolated and investigated for the safety of human life and until the legitimacy of the shipment is determined. Environmental, human, and public safety is maintained at all times. In cases where there is an immediate threat to public safety, designated authorities will immediately contact the local radiological incident responders. Radioactive materials that are determined to be inadmissible will be held in Customs custody until another Federal agency (NRC, Department of Energy, or Environmental Protection Agency) can respond and take possession of the materials.

Customs has determined that an additional 4,300 PRDs are needed in order to provide a PRD to each of our inspectors, canine enforcement officers, mail specialists, and seized property specialists. In December 2001, a PRD acquisition plan was devised to procure these additional detectors using \$7.3 million from various funding sources. It is anticipated that the balance of these detectors will be in place by January 2003.

b). All regulations and requirements were followed for the shipment of radioactive iridium from Sweden that passed through the FedEx facility in Memphis, Tennessee. This shipment was not selected for examination because it was a properly licensed, low-risk, legitimate shipment. Customs inspectors with PRDs were in the designated area when this shipment was staged for transport to New Orleans. The PRDs are highly sensitive, but did not alert when in close proximity to this shipment. This suggests that damage to the packaging occurred during the transport to New Orleans, and that this damage caused radiation leakage.

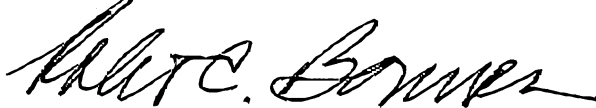
c). Neither Customs nor the NRC has regulations that are specifically designed to ensure that packages not labeled as containing radioactive material are not leaking radiation. As noted above, however, the Customs Service does have procedures in place to detect radiation leaks. If a package were found to be leaking, the port would employ Customs Radiation Detection Program, Standard Operating Procedure, as described in the response to question 2a.

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d). Not all packages entering the United States are subject to radiation screening. While there is a need for additional radiological detection equipment, Customs does screen and target shipments for heightened scrutiny based on anomalies in the entry data, prior compliance violations, lookouts in our computer systems, and other indicators of suspicion.

I appreciate your interest in the Customs Service. If we may offer further assistance, please contact me or have a member of your staff contact Mr. Richard F. Quinn, Deputy Assistant Commissioner, Office of Congressional Affairs, at (202) 927-1760.

Yours truly,

A handwritten signature in black ink, appearing to read "Robert C. Bonner". The signature is fluid and cursive, with the first name "Robert" and last name "Bonner" clearly distinguishable.

Robert C. Bonner  
Commissioner